

**IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS  
CHICAGO, ILLINOIS**

WALTER SLOAN,

Plaintiff

vs.

VILLAGE OF HICKORY HILLS, ILLINOIS

A municipal corporation, and

ALAN VODICKA, CHIEF OF POLICE

VILLAGE OF HICKORY HILLS

POLICE DEPARTMENT,

JOSEPH ROSCETTI, individually

and in the capacity as a Police Officer for  
the VILLAGE OF HICKORY HILLS AND

RYAN BAJT, individually and in the

Capacity as a Police Officer for the

VILLAGE OF HICKORY HILLS.

Defendants.

No. 07 CV 7038

Judge John Darrah

JURY TRIAL DEMANDED

**FILED**

JUN 26 2008 TC

JUN 26 2008

MICHAEL W. BOBBINS  
CLERK, U.S. DISTRICT COURT

**NOTICE OF FILING**

Alan Brinkmeier

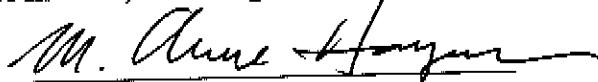
Attorney for City of Hickory Hills

Merlo Kanofsky Brinkmeier & Gregg

208 South LaSalle Street Suite 950

Chicago, Illinois 60604

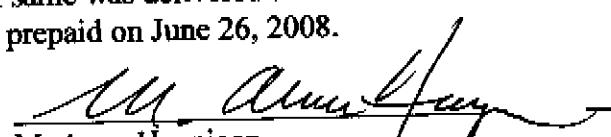
Please take note that on June 26, 2008, a copy of the attached Plaintiff's Response to Defendants' Motion to Dismiss was filed in the above matter at the office of the clerk of the US District Court for the Northern District of Illinois, in Chicago, Illinois.



M. Anne Hannigan, Esq.

**CERTIFICATE OF SERVICE**

The undersigned hereby states that a copy of same was delivered to the above counsel of record by depositing same in the U.S. mail, postage prepaid on June 26, 2008.



M. Anne Hannigan  
777 North Michigan Avenue  
Chicago, Illinois 60611

IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
 ILLINOIS  
 CHICAGO, ILLINOIS

WALTER SLOAN,	]	
	]	
Plaintiff	]	
	]	No: 07 CV 7038
vs.	]	
VILLAGE OF HICKORY HILLS, ILLINOIS	]	Judge John Darrah
A municipal corporation, and	]	
ALAN VODICKA, CHIEF OF POLICE	]	JURY TRIAL DEMANDED
VILLAGE OF HICKORY HILLS	]	
POLICE DEPARTMENT,	]	
JOSEPH ROSCETTI, individually	]	
and in the capacity as a Police Officer for	]	
the VILLAGE OF HICKORY HILLS AND	]	
RYAN BAJT, individually and in the	]	
Capacity as a Police Officer for the	]	
VILLAGE OF HICKORY HILLS.	]	
Defendants.	]	

**FILED**

JUN 26 2008 TC

MICHAEL W. DOBBINS  
 CLERK, U.S. DISTRICT COURT

PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS

Now Comes Plaintiff, Walter Sloan, by and through his attorney, M. Anne Hannigan, and hereby moves this court to deny Defendants' Motion to Dismiss in part and in support thereof states as follows:

1. Plaintiff does not dispute Count I and II based upon the statute of limitations,
2. Plaintiff requests leave of Court to amend Count IV regarding a Monell claim against

The Defendants.

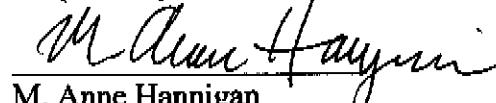
In his complaint, Sloan alleged that the officers used excessive force and violated his Fourth Amendment rights when they approached him and beat him to the point where he is partially deaf in one ear. He alleged further that the Village was liable for its failure to supervise and discipline the officers under Monell v. Department of Social Services, 436

U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978).

**Sloan has** pleaded sufficient facts to support his claim under federal notice pleading standards. However, the Village is not liable under *Monell* unless Sloan's constitutional claims are viable. *Alexander*, 433 F.3d at 557. Sloan did raise a genuine issue of material fact with respect to his constitutional claims against the officers, and so he can prevail against the Village; Rather than dismiss Count IV, Sloan would request leave to amend Count IV under *Monell*. See *Pepper v. Village of Oak Park*, 430 F.3d 805, 812 (7th Cir.2005).

Wherefore Plaintiff requests leave of Court to amend Count IV of his Complaint.

Respectfully Submitted,



M. Anne Hannigan  
Attorney for Plaintiff  
777 N. Michigan Avenue  
Suite 3009  
Chicago, IL 60611  
(312) 649-3767